

REMARKS

In the final Office Action, as affirmed in the Decision on Appeal, the Examiner rejects claims 1, 2, 6, 9, 10, 12, 13, 16, and 17 under 35 U.S.C. § 103(a) as unpatentable over KARVE (U.S. Patent Application Publication No. 2002/0137530) in view of PACKHAM et al. (U.S. Patent Application Publication No. 2003/0055906); rejects claim 3 under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of PACKHAM et al., and further in view of GOPINATH et al. (U.S. Patent Application Publication No. 2004/0002350); rejects claim 4 under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of PACKHAM et al., and further in view of DEHLIN (U.S. Patent Application Publication No. 2004/0203942); rejects claim 5 under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of SABO et al. (U.S. Patent Application Publication No. 2003/0096626); and rejects claim 7 under 35 U.S.C. § 103(a) as unpatentable over KARVE in view of PACKHAM et al., and further in view of FOSTICK et al. (U.S. Patent Application Publication No. 2002/0187794). Applicants respectfully traverse these rejections.

By way of the present amendment, Applicants amend claims 1-7, 9, 10, 12, 13, 16, and 17 to improve form. Claims 1-7, 9, 10, 12, 13, 16, and 17 remain pending.

REJECTION BASED ON KARVE AND PACKHAM ET AL.

Claims 1, 2, 6, 9, 10, 12, 13, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE and PACKHAM et al. Applicants respectfully traverse this rejection.

Independent claim 1, as amended, is directed to a method to provide a short message service (SMS) messages to a receiving party associated with a plurality of devices. The method

includes receiving, by a server device, a short message service (SMS) message addressed a first device of the plurality of devices; identifying, by the server device, a second device of the plurality of devices as a preferred device instead of the first device to receive the SMS message based on information stored by the receiving party at the server device, where the second device is identified without sending the SMS message to the first device; formatting, by the server device, the SMS message according to characteristics of the preferred device; and sending, by the server device, the formatted message to the preferred device, where sending the formatted message include sending the formatted message via a pathway that does not include the first device . KARVE and PACKHAM et al., whether taken alone or in any reasonable combination, do not disclose or suggest one or more of these features.

For example, KARVE and PACKHAM et al. do not disclose or suggest identifying, by the server device, a second device of the plurality of devices as a preferred device instead of the first device (to which an SMS message is addressed) to receive the SMS message based on information stored by the receiving party at the server device, where the second device is identified without sending the SMS message to the first device. The Examiner appears to allege that identifying a second device of the plurality of devices as a preferred device for receiving the SMS message based on information stored by the receiving party is disclosed in paragraphs 0032-0035 of KARVE, and that “instead of the first device,” is disclosed in the paragraphs 0019-0022 of PACKHAM et al. (final Office Action, p. 5). Applicants respectfully submit that these and other sections of KARVE and PACKHAM et al. do not disclose or suggest the above feature of claim 1, as amended.

At paragraphs 0032-0035, KARVE states:

The save, delete and edit message options illustrated in steps 36, 38, 40 are understood by those of skill in the art. However, in accordance with the present invention, the program code also offers an option to forward the received message at step 42. At step 42, a list of forwarding addresses is displayed on the display 12. The list includes phone numbers previously added to the list by the user. The user may scroll through the list and at step 44 select one or more of the numbers. Step 44 also allows the user to add one or more new numbers to the list. After the user has selected or specified the phone numbers to which the message is to be forwarded, step 46 is executed. At step 46, the short message is sent via the SMS center to the selected destinations. In order to forward the message to multiple destinations, in the presently preferred embodiment, the message is sent to the SMS center multiple times, once for each destination address. Thus, the program code directs the short message to be forwarded to the other device using the selected forwarding address.

However, as will be understood by those of ordinary skill in the art, with the appropriate programming at the SMS center or by allowing the user to define forwarding address lists stored at the SMS center, it is possible to send the message once to the SMS center, with the header portion of the message identifying a pointer to a multiple destination address stored in a memory at the SMS center.

Referring now to FIG. 4, a flow diagram of a sequence of steps of set up options of the call forwarding feature is shown. The call forwarding set up options preferably are accessed via selecting an option from a main menu. Once the call forwarding set up option is selected, the telephone 10 program code proceeds to step 50, which is the step for activating automatic message forwarding. That is, when automatic message forwarding is activated, messages received by the telephone 10 are forwarded in accordance with the selected automatic forwarding option described below.

A first option, step 52, is to automatically forward all messages to a predefined number or numbers. In step 52, the user defines the number or numbers to which all received short messages are to be forwarded. A second option, step 54, is to forward all messages received from one or more predetermined senders, as defined on a list, to one or more predefined numbers. At step 54, the user is prompted to enter the predetermined sender addresses (phone numbers) and subsequently, to enter the forwarding number(s). As an alternative to step 54, at step 56, the user can select to forward all messages except for those messages received from one or more predetermined senders, as defined on a list, to one or more predefined numbers. The option at step 56 thus allows the user to receive important messages and forward messages from senders not deemed to be as

important or urgent. Similar to step 54, at step 56, the user is prompted to enter the predetermined sender addresses (phone numbers) and subsequently, to enter the forwarding number(s)..

This section of KARVE discloses, for example, that a mobile phone, after receiving an SMS message, displays a list of forwarding numbers (step 42) and forwards the SMS messages to one or more selected forwarding numbers (steps 44 and 46). This section of KARVE further discloses that all messages received at the mobile phone are forwarded to other devices (step 52), messages from specified phone numbers are forwarded (step 54), or messages that are not from specified phone numbers are forwarded (step 56). This section of KARVE does not disclose or suggest, in any way, identifying, by a server device, a second device, associated with a selected forwarding number, instead of the mobile phone to receive the SMS message, where the second device is identified without sending the SMS message to the mobile phone, as would be required of KARVE based on the Examiner's interpretation claim 1. Rather, this section relates to a mobile phone (which is the specified recipient for an SMS message) receiving the SMS message, selecting other devices, and forwarding that SMS message to the other devices.

For at least these reasons, paragraphs 0032-0035 of KARVE do not disclose or suggest identifying, by the server device, a second device of the plurality of devices as a preferred device instead of the first device (to which an SMS message is addressed) to receive the SMS message based on information stored by the receiving party at the server device, where the second device is identified without sending the SMS message to the first device, as recited in amended claim 1.

The cited disclosure in PACKHAM et al. does not cure these deficiencies in the disclosure of KARVE. For example, paragraphs 0019-0022 of PACKHAM et al. state:

As shown in FIG. 1, in a Universal Mobile Telecommunications System UMTS network, a short message service centre SMSC forwards a text message from a

first user terminal 1 to a short message service Gateway mobile switching centre SMS/GMSC. The SMS/GMSC interrogates a home location register HLR for information such as location of the destination user terminal 2 and routing information thereto. By adding a function to the HLR, which identifies a text message and is capable of understanding forwarding information so as to give updated (i.e. rerouted) routing information the text message would then be sent via the mobile switching centre MSC to the correct user terminal 3, which in this example is a mobile handset. Thus the usual path of the text message to the user terminal 2 is replaced by the path of the text message to the user terminal 3, using the routing information provided by the HLR.

Forwarding of text messaging from one mobile phone to another is thus provided. A function in the menu of the mobile handset is provided to allow the user to have text messages forwarded to another mobile handset and/or to a computer.

Where the user terminal 3 is a mobile handset, text message forwarding allows people that have two phones to receive all their text messages on one, which saves people with two handsets needing to carry them both about.

Where the user terminal 3 is a computer, being able to send a text message to a computer means that the user would be able to turn their mobile phone(s) off in areas where that is necessary (such as in testing environments or hospitals) and still be able to have access to their messages. It also allows people to read their text messages received via email, for example on a home computer, which would possibly cause less disruption to their working day.

This section of PACKHAM et al. discloses for example, a system where forwarding information is stored in a home location register (HLR) so that text messages received by a Short Message Service Gateway Mobile Switching Center (SMS/GMSC) for one device can be forwarded to a second device (see paragraphs 0019-0022). This section of PACKHAM et al. does not disclose or suggest, in any way, identifying, by a server device, a second user terminal instead of the first user terminal (to which an SMS message is addressed) to receive the SMS message, where the second device is identified without sending the SMS message to the first user terminal, as would be required of PACKHAM et al. based on the Examiner's interpretation claim 1. Rather, this

section relates to storing a designated device for a user in the HLR to receive messages intended for that user.

For at least these reasons, paragraphs 0019-0022 of PACKHAM et al. do not disclose or suggest identifying, by the server device, a second device of the plurality of devices as a preferred device instead of the first device (to which an SMS message is addressed) to receive the SMS message based on information stored by the receiving party at the server device, where the second device is identified without sending the SMS message to the first device, as recited in amended claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over KARVE and PACKHAM et al., whether taken alone or in any reasonable combination.

Claims 2 and 6 depend from claim 1. Therefore, these claims are patentable over KARVE and PACKHAM et al. for at least the reasons given above with respect to claim 1.

Independent claims 9, 12, and 16, as amended, recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claims 9, 12, and 16 are patentable over KARVE and PACKHAM et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 1.

Claim 10 depends from claim 9. Therefore, this claim is patentable over KARVE and PACKHAM et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 9.

Claim 13 depends from claim 12. Therefore, this claim is patentable over KARVE and PACKHAM et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 12.

Claim 17 depends from claim 16. Therefore, this claim is patentable over KARVE and PACKHAM et al. for at least the reasons given above with respect to claim 16.

For at least these reasons, Applicants respectfully request the reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 2, 6, 9, 10, 12, 13, 16, and 17 over KARVE and PACKHAM et al.

REJECTION BASED ON KARVE, PACKHAM ET AL., AND GOPINATH ET AL.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of PACKHAM et al., and further in view of GOPINATH et al. Applicants respectfully traverse this rejection.

Claim 3 depends from claim 1. The disclosure of GOPINATH et al. does not remedy the deficiencies in the disclosures of KARVE and PACKHAM et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 3 is patentable over KARVE, PACKHAM et al., and GOPINATH et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

For at least these reasons, Applicants respectfully request the reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 3 over KARVE, PACKHAM et al., and GOPINATH et al.

REJECTION BASED ON KARVE, PACKHAM ET AL., AND DEHLIN

Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of PACKHAM et al., and further in view of DEHLIN. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. The disclosure of DEHLIN does not remedy the deficiencies in the disclosures of KARVE and PACKHAM et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 4 is patentable over KARVE, PACKHAM et al., and DEHLIN, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

For at least these reasons, Applicants respectfully request the reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 4 over KARVE, PACKHAM et al., and DEHLIN.

REJECTION BASED ON KARVE AND SABO ET AL.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of SABO et al. Applicants respectfully traverse this rejection.

At the outset, Applicants again submit that the rejection of claim 5 continues to be improper. Claim 5 depends from claim 1. Therefore, any rejection of claim 5 must be based on at least the references relied on in rejecting claim 1. The Examiner rejects claim 1 under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of PACKHAM et al. Therefore, the rejection of claim 5 must be based on at least KARVE and PACKHAM et al. Since the

rejection of claim 5 does not include the PACKHAM et al. reference, the rejection of this claim is improper.

Nevertheless, the disclosure of SABO et al. does not remedy the deficiencies in the disclosures of KARVE and PACKHAM et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 5 is patentable over KARVE, PACKHAM et al. and SABO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

For at least these reasons, Applicants respectfully request the reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 5 over KARVE (alone or in combination with PACKHAM et al.) and SABO et al.

REJECTION BASED ON KARVE, PACKHAM ETAL., AND FOSTICK et al.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KARVE in view of PACKHAM et al., and further in view of FOSTICK et al. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 1. The disclosure of FOSTICK et al. does not remedy the deficiencies in the disclosures of KARVE and PACKHAM et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 7 is patentable over KARVE, PACKHAM et al., and FOSTICK et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

For at least these reasons, Applicants respectfully request the reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 7 over KARVE, PACKHAM et al., and FOSTICK et al.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of this application.

As Applicants' remarks with respect to the Examiner's assertions are sufficient to overcome the rejections in the Office Action, Applicants' silence as to the assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, assertions as to dependent claims, reasons to modify a reference or combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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